

REMARKS

Claims 1-11 and 19-25 are pending in the present application. No claims have been amended. Reconsideration is respectfully requested. The present response is submitted in accordance with the Revised Amendment Format as set forth in the Notice provided on the USPTO web site for the Office of Patent Legal Administration; Pre-OG Notices; dated 1/31/03.

Claim Rejections - 35 USC § 102

The Examiner has rejected claims 1-8, 10, 11 and 19-25 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Application Publication 2002/0005580 to Goodman et al. Applicants respectfully disagree and submit that the claims 1-8, 10, 11 and 19-25 are not anticipated by Goodman for reasons set forth below.

The present application has a filing date of June 16, 2000. Therefore, in accordance with MPEP 2136.01, since this application was not filed on or after November 29, 2000 and since the present application was not voluntarily published under 25 U.S.C. 122(b), the present application must be examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)). According to MPEP 2136.01, "when examining pre PG-PUB applications, only U.S. patents and SIRs are eligible as prior art under 35 U.S.C. 102(e)." Here, the present application is a pre PG-PUB application and therefore, only U.S. patents and SIRs are eligible as prior art under 35 U.S.C. 102(e). Goodman is not a U.S. patent or an SIRs, and therefore is not eligible as prior art under 35 U.S.C. 102(e).

Applicants respectfully request the Examiner withdraw the anticipation rejection directed to claims 1-8, 10, 11 and 19-25.

Furthermore, assuming arguendo that the Goodman reference could be eligible as prior art under 35 U.S.C. 102(e), which is not, the Goodman reference does

not teach the prominent elements of the presently claimed invention. These prominent elements include:

a distributed sensing system in a networked environment for identifying an analyte, said system comprising:

a first sensor array connected to said network comprising sensors capable of producing a first response in the presence of a chemical stimulus;

a second sensor array connected to said network comprising sensors capable of producing a second response in the presence of a physical stimulus;

a computer connected to said network;

a computer readable algorithm for execution by said computer for identifying said analyte, said computer readable algorithm comprising instructions for comparing said first response and said second response with a known response, and

instructions for identifying an unknown analyte.

As used herein, the second sensor array of the presently claimed invention, which is responsive to a physical stimuli includes sensors such an optical sensor, an infrared sensor, a mechanical sensor, a radiation sensor, a thermal sensor and combinations thereof. Applicants respectfully submit that the Goodman reference, even if it was eligible as section 102(e) prior art reference, which it is not, it is completely silent with regard to having a second sensor array, where the sensor array is responsive to a physical stimuli includes sensors such an optical sensor, an infrared sensor, a mechanical sensor, a radiation sensor, a thermal sensor and combinations thereof, as is recited by the presently claimed invention.

The Goodman reference is directed to techniques that are used to fabricate and manufacture chemi-resistive sensors to detect analytes. Applicants respectfully

submit that in addition to the fact that Goodman is not eligible as a 102(e) prior art reference against the presently claimed invention, none of the sections of Goodman cited by the examiner teach the second sensor array as is recited above. For example, paragraph [0056] is directed to using a composite carbon black and nonconducting polymer that is temperature sensitive; and paragraph [0080] is directed to sensing the change in the electrical resistance value of a sensor material from its baseline value after the sensor is exposed to water vapor or hexane.

Therefore, for reasons set forth above, Applicants respectfully request the Examiner withdraw the anticipation rejection directed to claims 1-8, 10, 11 and 19-25.

Claim Rejections - 35 USC § 103

The Examiner has rejected claim 9 under 35 U.S.C. 103 as being obvious over U.S. Patent Application Publication 2002/0005580 to Goodman et al. Applicants respectfully disagree for reasons set forth below. The Goodman reference is not eligible as a Primary reference against the presently claimed invention, because the Goodman reference is not a prior art reference against the presently claimed invention for reasons set forth above. As set forth above, the present application is a pre PG-PUB application and therefore, only U.S. patents and SIRs are eligible as prior art under 35 U.S.C. 102(e). Goodman is not a U.S. patents or an SIRs, and therefore is not eligible as prior art under 35 U.S.C. 102(e). Applicants respectfully submit that since the Goodman reference is not a prior art reference under 120(e), it is then not available as a reference under 35 U.S.C. 103.

Therefore, for reasons set forth above, Applicants respectfully request the Examiner withdraw the obviousness rejection directed to claim 9.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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